

## **REMARKS**

Claims 1-30 are pending and stand rejected. Applicant traverses the rejection, and responds further as follows.

The examiner objected to the abstract. The abstract has been canceled and replaced with a new abstract that meets the requirement for abstracts.

Claims 1-30 stand rejected under 35 U.S.C. §102 based upon Agrawal et al (the '575 patent). The rejection is respectfully traversed.

A principal fundamental flaw in the rejection is that the examiner, on page 3 of the office action likens the labels, values, and quality metrics of the claimed invention with the topics labels of the '575 patent. The Examiner cites to columns 10 and 11 and explains that the '575 patent includes "a plurality of levels of quality. Therefore, the 'labels' corresponds to the 'categories label' or 'topics labels' of the resources." This is improper on two accounts: 1) The claims are not directed to organization based upon topics (though a method of the invention can supplement a topical organization); and 2) the '575 patent only discloses a hierarchical topic organization. This will be further discussed now with respect to the independent claims and certain exemplary ones of the dependent claims in furtherance of the traversal.

Claim 1 has a classifier that associates a value to each item of data using a profile. A profile, as defined for example in paragraph [027]<sup>1</sup> of the specification, concerns high level criteria, and, by way of further definition, specific examples are even defined in claim 9. These include “quality, interestingness, appropriateness, timeliness, humor, style of language, obscenity, sentiment, and any combinations thereof.” The specification is also clear, in the background as to what does not constitute the values and profiles used in claim 1: topics. Background paragraph [009] states that “there is a need for a system and method that utilizes a learning process in order to select documents according to their quality, rather than topic or user/recipient identity.” Other examples are plentiful, as in the last paragraph of paragraph [006] that states “such methods of test classification group articles or documents according to subject matter, not quality.” Accordingly, the examiner has incorrectly interpreted the values, labels and profile of claim 1, which do not concern the topic of data items. The same is true of method claim 15, which also uses the labels, value and profile discussed with respect to claim 1.

The interpretation of the ‘575 patent in the office action does not appear to dispute that the patent is solely concerned with document organization by topic. This point should not be overlooked in view of the mistaken interpretation of claims 1 and 15 discussed above. As is clearly stated in the field of the invention of the ‘575 patent, the disclosure in

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<sup>1</sup> For clarity of reference to all readers of this document, the paragraph numbers in US 2002/0055940 (the publication of this application) are utilized to reference the application.

the '575 patent is concerned with a "system and article of manufacture for organizing and indexing documents by topic." C1, L19-20. All of the testing, and classifying of documents discussed in the '575 patent concerns the topics of the documents being tested. As stated in the very portion of column 10 cited by the examiner, "Before the system can analyze the topics of new documents, the system is provided with examples of documents belonging to given topic(s). Given a topic hierarchy (taxonomy), system training is performed by providing an initial collection of documents for which classifications are known in advance. With reference to the block diagram of a training system 30 of FIG. 3, this may be accomplished, for example, by collecting a number of documents 32." This concerns topics, which are specifically excluded from the definitions of values, profiles and labels as used in claims 1 and 15.

The same portion of column 12 also shows that the '575 patent fails to disclose the automatic creation of the profile required by claim 1 and the computer implemented step of creating a profile of claim 15. As stated in column 10, beginning at line 13 the '575 patent requires the very user involvement that the instant application and claims avoid: "an appropriate topic hierarchy, or taxonomy, is provided by the user, based on the material (for example text documents) that are intended to be classified and searched. For example, if the material to be classified and searched includes major topics on the internet, a taxonomy might appear as shown in FIG. 2." Thus, the topic profile is provided, not created. In the

claimed invention, labels may be provided by a human (see claim 14, e.g.) but the profile is automatically created.

The examiner, in discussing claim 7, apparently likens statistics appended in step 68 of the '575 patent to the profile. The statistics do not concern the high level data discussed above with respect to the definition of profile, but instead are statistics concerning search term counts (see FIGs. 7-10 and associated description). This has nothing to do with the claimed profile. This forms a separate basis to traverse the rejection of claims 1 and 15, and also forms a basis for a separate traversal of claim 7.

Claim 9's rejection is also separately traversed, as an example dependent claim that the '575 fails to anticipate. The examiner cites columns 12 and 13 as disclosing the features of claim 9, but what is discussed are statistics concerning the number of occurrences of search terms, and total length of training documents. Applicant has reviewed the '575 patent and conducted a text search, and finds absolutely no mention of such things as "average length of sentences, average length of words, usage of punctuation . . .".

The rejection of claim 25 is also traversed. In claim 25, the labels are explicitly defined as designating "level of quality, interestingness, appropriateness, timeliness, humor, style of language, obscenity, sentiment, or any combination thereof." In contrast, the "categories" or "topics" labels pointed to by the examiner concern topics, e.g. business, recreation, science, etc. See, FIG. 2. This is also specified in dependent claim 30 (which

depends from independent claim 28), and forms a basis for a separate traversal of the rejection of claim 30.

Regarding claim 28, the classifier means automatically associates a value that is indicative of the qualitative nature of the data. As discussed above, the topics and statistics of the '575 patent do not concern the qualitative nature of data.

For all of the above reasons, reconsideration and allowance of the application is requested. The patentability of dependent claims not specifically discussed is separately maintained. If the examiner would like to discuss this application, the examiner is invited to contact the undersigned attorney at the below listed number.

Respectfully submitted,  
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